Appl. No. 09/912,122

Amdt. dated Feb. 26, 2004

Reply to Office Action of Sept. 26, 2003

Docket No. TRNSV-015G

REMARKS/ARGUMENTS

The specification has been amended to correct minor editorial problems.

Claims 5-9 remain in this application. Claims 1-4 and 10-11 have been canceled. Claims 12-

45 have been withdrawn. New claims 46-52 have been added.

Claims 5, 6, 9, 10 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Milo

et al. This rejection is respectfully traversed inasmuch as it pertains to the present claims.

The anchorable guide catheter of the present invention comprises an elongate catheter body

having a lumen extending longitudinally therethrough. An opening is formed at a first location in the

catheter body in communication with the lumen. A pressure exerting member formed on the catheter

body is engageable with a luminal anatomical structure to prevent the first location of the catheter

body from moving within the luminal anatomical structure. In one embodiment, recited specifically

in claims 6-8, the pressure exerting member is a balloon having a friction enhancing treatment on a

portion of its surface which engages the luminal anatomical structure. In an embodiment recited in

claim 9, the catheter includes at least one engagement surface associated with the first lumen,

wherein the at least one engagement surface us operative to engage a second catheter which has been

inserted through the first lumen such that the second catheter is prevented from rotating

independently of the balloon anchorable guide catheter.

The artherectomy catheter disclosed by Milo et al. comprises a catheter body having a lumen

extending longitudinally throughout. An opening is formed at a first location in the catheter body, in

communication with the lumen. A balloon is disposed on one side of the catheter body opposite the

opening. The balloon may be inflated to urge the opening against the wall of a biological vessel

while tissue is being surgically removed from the vessel. There is no disclosure or suggestion that

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the balloon, when inflated, prevents the first location (i.e. the opening) from moving within the

vessel. In fact, since the balloon is presumably a conventional, smooth-walled balloon, the frictional

forces between the balloon and the vessel wall are probably relatively small, and would allow for at

least some relative movement, particularly sliding or rotating movement, between the two.

Claim 5 of the present application clearly and distinctly recites the limitation that the pressure

exerting member of the anchorable guide catheter is engageable with the luminal anatomical

structure to prevent the first location of the catheter body from moving within the luminal anatomical

structure. The pressure exerting member (i.e. the balloon) of Milo et al. is not structured to prevent

any location of the catheter body from moving with a luminal anatomical structure. Accordingly,

claim 5 is not anticipated by Milo et al under 35 U.S.C. §102(b), which requires that an anticipating

reference posses each and every feature of the claimed invention.

In view of the above, claim 5 patentably distinguishes over Milo et al., and should be

allowed. Claims 6-9 depend from claim 5, and should therefore be allowed for the same reasons as

claim 5. In addition, claims 6-9 recite various features which are neither shown nor suggested by he

prior art, and are therefore allowable in their own right. For instance, claim 7 includes the limitation

that the balloon includes a friction enhancing treatment on the surface of the balloon which engages

the luminal anatomical structure. Claim 8 further recites that the friction enhancing treatment is

selected from the group of friction enhancing treatments selected from the group of texturing,

adhesive, and woven fabric. Claim 9 includes the limitation that the anchorable guide catheter

includes at least one engagement surface that is operative to engage a second catheter which has been

inserted through the first lumen such that said second catheter is thereby prevented from rotating

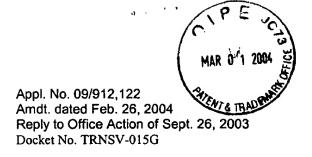
independently of the anchorable guide catheter.

New claims 46-52 recite combinations of novel and unobvious elements that are also

believed to be a) within the scope of the elected claim group and b) allowable over all prior art of

record.

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Based on the foregoing, claims 5-9 and 46-52 are believed to be in condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 26, 2004.

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